

Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

**DECLARATION OF CHRISTOPH J. CRÜTZEN IN SUPPORT OF
MAXELL, LTD.'S MOTION TO AMEND THE PROTECTIVE ORDER**

I, Christoph J. Crützen, hereby declare and state as follows:

1. I am a partner at Mayer Brown LLP, counsel for Plaintiff Maxell, Ltd. ("Maxell") in the following matters adverse to Apple Inc. ("Apple") pending in the District Court of Düsseldorf, Germany, Civil Chamber 4c ("the German Proceedings"): In the matter of Maxell Ltd., 4c O 14/20 (EP 1 286 174 B1); In the matter of Maxell Ltd., 4c O 11/20 (EP 2 061 230 B1); In the matter of Maxell Ltd., 4c O 12/20 (EP 2 403 266 B1); In the matter of Maxell Ltd., 4c O 10/20 (EP 1 482 508 B1); In the matter of Maxell Ltd., 4c O 15/20 (EP 2 579 587 B1); In the matter of Maxell Ltd., 4c O 13/20 (EP 1 936 974 B1); and In the matter of Maxell Ltd., 4c O 45/19 (EP 1 324 539 B1). I submit this declaration in support of Maxell's Motion to Amend the Protective Order. I have personal knowledge of the statements herein, and, if called to do so, I could and would testify competently as to the same.

2. There are no discovery mechanisms available to Maxell in the German Proceedings.



3. There is no mechanism available for Maxell to compel Apple to produce documents using the German Courts.

4. Intel Corporation ("Intel") is not a party to the German Proceedings.

5. There is no mechanism available for Maxell to compel Intel or any third party to produce documents using the German Courts.

6. As a party to the German Proceedings, Apple does have the option to attach its Statement of Defense confidential technical documents that show how its accused products actually work and what sections of 3GPP standards its products comply with, but with respect to multiple proceedings including for the proceedings related to EP 1 286 174, Apple has not provided any such documents to the German Court. As an example, Apple has argued that its products do not infringe EP 1 286 174 because a particular section of the standard is optional without providing any documentation to show that its products do not in fact implement that section of the standard. Thus, indicating that Apple does not want the German Courts to know how its accused products actually work.

7. In the interests of serving justice, the Courts in Germany would benefit from having confidential technical documents that show how the accused Apple products actually work. Such documents will allow the Court to reach the correct decisions in the German Proceedings.

8. Under German law, any documents obtained in the United States pursuant to 28 U.S.C. § 1782 can be introduced in the German courts and are considered by the German Courts in its decision making.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a cursive flourish.

9. Discovery obtained pursuant to 28 U.S.C. § 1782 is not viewed as an attempt to circumvent German proof-gathering restrictions by German Courts. German courts admit the evidence offered by a party without regard to whether it is obtained in a foreign jurisdiction.

10. The filings in German Proceedings are not open to the public.

11. In order to protect confidentiality of its technical documents, Apple has the option to file a motion with the Court in the German Proceedings to exclude the public from a hearing or from a part thereof if an important business, trade, invention or tax secret is mentioned, the public discussion of which would violate overriding interests meriting protection. Additionally, if the public has been excluded on such grounds, the court may obligate the persons present to observe secrecy in respect of facts of which they become aware in the course of the hearing.

I declare under penalty of perjury that the above is true and correct and that this Declaration was executed on September 24, 2020 in Düsseldorf, Germany.

Dated: September 24, 2020

By:



Christoph J. Crützen